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REMARKS

With entry of the instant amendment, claims 32 – 39 and 41 – 47 are pending. Original claims 32, 34 – 39 have been amended, and claims 41 – 47 are new. Claims 1 - 31 and 40 were previously canceled as directed to the non-elected invention. Claims 32, 41 and 44 are independent claims. New matter has not been introduced by the present amendment.

Claim amendments.

Claim 32 as amended defines the abbreviation of ASA as ascorbic acid and the abbreviation of KLG as 2-keto-L-gulonic acid.

The preamble of claims 34, 35, 36, 37, 38 and 39 has been changed from "The yeast of Claim" to "The method of Claim...".

Claims 35, 36, 37, 38 and 39 now recite the corresponding yeast in italics.

Claim 38 has been further amended to omit the terms "carbon source" and "activity". The amended claim recites that - the six carbon sugar comprises glucose. Additionally, the claim has been amended to recite a heterologous polynucleotide encoding a 2,5-DKG reductase. Support is found *inter alia* at page 4, lines 8 – 15 and page 7, lines 1- 3 of the disclosure.

Claim 39 has also been amended to omit the terms "carbon source" and "activity". The amended claim recites that - the six carbon sugar comprises D-sorbitol, L-sorbose or L-sorbose. Additionally, the claim has been amended to recite a heterologous polynucleotide encoding a L-sorbose, a D-sorbitol dehydrogenase, a L-sorbose dehydrogenase or a galactose dehydrogenase. Support is found *inter alia* at page 10, lines 3 – 9 of the disclosure.

New claims 41- 43 are dependent claims directed to the yeast obtained by the method according to claim 32. Support is found in the original claims and at page 4, lines 8 – 22 of the disclosure.

New claim 44 is an independent claim and claims 45 – 47 are dependent on claim 44. Claim 44 is directed to a method for producing a recombinant *Candida* or *Cryptococcus* capable of utilizing a six carbon sugar to produce ascorbic acid (ASA) or an ascorbic acid (ASA) stereoisomer. Support is found *inter alia* in the original claims, page 4, lines 8 – 22 and page 9 of the disclosure.

Amendment to the specification.

Applicant has requested that the specification be amended to reflect that the present

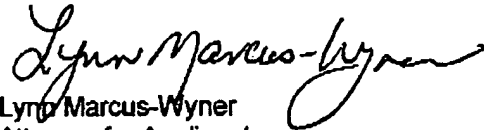
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application is a divisional application, and not a CIP, of parent application 09/205,874, now USP 6,358,715. Upon review of the file wrapper, it was determined that the initial transmission papers requesting the filing of the present application were confusing. Page 1 of the Application Transmittal indicated Applicant was filing a divisional application. However, at page 2, point 13, Applicant requested amendment of the specification and inadvertently checked the continuation-in-part box as opposed to the divisional box.

Applicant believes the claims are in condition for allowance and an early allowance for claims 32 – 39 and 41 – 47 is kindly requested.

Respectfully submitted,



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